

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DEMAS YAN,
Appellant,
v.
CRYSTAL LEI, et al.,
Appellees.

Case No. [11-cv-01814-RS](#) (JSC)

**ORDER NO.2 COMPELLING YAN TO
PRODUCE DOCUMENTS**

Re: Dkt. Nos. 62, 64, 65, 66, 67

These proceedings arise out of Crystal Lei's attempt to collect a judgment she obtained against Demas Yan to cover attorneys' fees and costs incurred in connection with a Ninth Circuit appeal pursued by Yan. After Yan did not bring subpoenaed documents to his judgment debtor exam, the Court ordered him to produce them. He subsequently produced a few documents, but failed to produce the majority. Accordingly, at the judgment creditor's request, the Court issued an Order to Show Cause why Mr. Yan should not be held in contempt. The Court held a hearing on August 10, 2017 at which Mr. Yan appeared in person.

After the August 10, 2017 hearing, the Court ordered Mr. Yan to produce nine categories of financial documents by August 31, 2017, including: tax returns for 2014-2016, documents related to the Fung judgment assignment, documents related to the sale of a Hong Kong condominium, payments for office rent and expenses, monthly bank statements since 2014, loans made, trust documents, documents identifying deposit accounts, and sources of income. (Dkt. No. 60.) The previous Order to Show Cause was otherwise discharged.

Creditor Crystal Lei asserted that Mr. Yan did not produce the financial documents. (Dkt. No. 62-2 ¶ 6.) Creditor seeks \$6,407.50 in attorneys' fees and costs incurred in appearing for Mr. Yan's judgment debtor examination and preparing the applications for orders to show cause as a

1 sanction pursuant to Federal Rule of Civil Procedure 37 and 28 U.S.C. § 1927. She also asks the
2 Court to order Mr. Yan to pay \$500 each day Mr. Yan fails to produce the financial documents to
3 compel compliance with the Court's order.

4 At the judgment debtor's request, the Court issued a second order to show cause why Mr.
5 Yan should not (1) pay the Creditor's attorneys' fees and costs for failing to comply with the
6 subpoena and court orders, and (2) be held in contempt for failing to produce the court-ordered
7 documents. Both parties filed responses to the order to show cause (Dkt. No. 65, 66), and the
8 Court held a hearing on October 27, 2017 at which the parties appeared in person. Mr. Yan
9 argued that certain responsive documents were protected by attorney-client privilege.

10 The Court orders Mr. Yan to file with the Court by November 3, 2017, documents
11 responsive to the judgment creditor's request for all sources of income including but not limited to
12 business invoices, documents pertaining to the Fung judgment assignment, and copies of client
13 checks. The Court shall review the documents in camera to determine whether they are protected
14 by attorney client privilege. The Court takes the remaining issues under submission.

15 This order disposes of Docket Nos. 62 and 64, 65, 66, and 67.

16 **IT IS SO ORDERED.**

17 Dated: October 30, 2017

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20 JACQUELINE SCOTT CORLEY
21 United States Magistrate Judge
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